

# **BOARD FOR JUDICIAL ADMINISTRATION**



**WASHINGTON  
COURTS**

## **MEETING PACKET**

**FRIDAY, MAY 20, 2011  
9:30 A.M.**

**AOC SEATAC OFFICE  
SEATAC, WASHINGTON**

# Board for Judicial Administration Membership

## VOTING MEMBERS:

**Chief Justice Barbara Madsen**, Chair  
Supreme Court

**Judge Michael Lambo**, Member Chair  
District and Municipal Court Judges'  
Association  
Kirkland Municipal Court

**Judge Marlin J. Appelwick**  
Court of Appeals, Division I

**Judge Rebecca M. Baker**  
Superior Court Judges' Association  
Ferry/Stevens/Pend Oreille Superior Courts

**Judge Stephen Brown**, President  
District and Municipal Court Judges'  
Association  
Grays Harbor County District Court

**Judge Ronald Culpepper**  
Superior Court Judges' Association  
Pierce County Superior Court

**Judge Deborah Fleck**  
Superior Court Judges' Association  
King County Superior Court

**Judge Janet Garrow**  
District and Municipal Court Judges'  
Association  
King County District Court

**Judge Laura Inveen**, President  
Superior Court Judges' Association  
King County Superior Court

**Judge Teresa Kulik**  
Court of Appeals, Division III

**Judge Jack Nevin**  
District and Municipal Court Judges'  
Association  
Pierce County District Court

**Justice Susan Owens**  
Supreme Court

**Judge Christine Quinn-Brintnall**  
Court of Appeals, Division II

**Judge Kevin Ringus**  
District and Municipal Court Judges'  
Association  
Fife Municipal Court

**Judge Chris Wickham**  
Superior Court Judges' Association  
Thurston County Superior Court

## NON-VOTING MEMBERS:

**Mr. Steven Crossland**, President-Elect  
Washington State Bar Association

**Mr. Jeff Hall**  
State Court Administrator

**Ms. Paula Littlewood**, Executive Director  
Washington State Bar Association

**Judge Craig Matheson**, President-Elect  
Superior Court Judges' Association  
Benton and Franklin Superior Courts

**Judge Ann Schindler**, Presiding Chief Judge  
Court of Appeals, Division I

**Mr. Steven Toole**, President  
Washington State Bar Association

**Judge Gregory Tripp**, President-Elect  
District and Municipal Court Judges'  
Association  
Spokane County District Court

# Board for Judicial Administration

May 20, 2011  
9:30 a.m. – Noon  
AOC SeaTac Office  
SeaTac, Washington

## Agenda

1. Call to Order	Chief Justice Barbara Madsen Judge Michael Lambo	
2. Welcome and Introductions	Chief Justice Barbara Madsen Judge Michael Lambo	
<b>Action Items</b>		
3. April 15, 2011 Meeting Minutes <b>Action: Motion to approve the minutes of the March 18 BJA meeting</b>	Chief Justice Barbara Madsen Judge Michael Lambo	Tab 1
4. Trial Court Operations Funding Committee <b>Action: Motion to the approve the membership of the Trial Court Operations Funding Committee</b>	Mr. Chris Ruhl	Tab 2
5. BJA Best Practices Committee <b>Action: Motion to reappoint Judge Linda Krese, Judge Steven Buzzard, Judge Jerry Roach, and Ms. Pat Austin; and appoint Mr. Ron Miles, Ms. Ruth Gordon, Ms. Barbara Christensen, Ms. Cynthia Marr, and Mr. Michael Shinn to the BJA Best Practices Committee</b> <b>Action: Motion to suspend Article VI of the BJA Bylaws for the sole purpose of reappointing Ms. Susan Carlson, Mr. David Ponzoha, and Ms. Yvonne Pettus</b> <b>Action: Motion to appoint a chair of the BJA Best Practices Committee</b>	Ms. Mellani McAleenan	Tab 3
<b>Reports and Information</b>		
6. BJA Resolutions	Chief Justice Barbara Madsen	Tab 4
7. Resolution Regarding Racial and Ethnic Bias in the Justice System	Judge Deborah Fleck	Tab 5
8. Nevins Award Nomination	Chief Justice Barbara Madsen	Tab 6
9. BJA Long Range Planning Committee	Ms. Mellani McAleenan	Tab 7

10. BJA Member Chair	Chief Justice Barbara Madsen Judge Michael Lambo	Tab 8
11. Legislative Update	Ms. Mellani McAleenan	Tab 9
12. Access to Justice Board	Mr. M. Wayne Blair	
13. Washington State Bar Association	Mr. Steven Toole	
14. Reports from the Courts Supreme Court Court of Appeals Superior Courts Courts of Limited Jurisdiction	Justice Susan Owens Judge Ann Schindler  Judge Stephen Brown	
15. Association Reports Superior Court Administrators County Clerks District and Municipal Court Administrators	Mr. Frank Maiocco Mr. Kevin Stock Ms. Peggy Bednared	
16. Administrative Office of the Courts	Mr. Jeff Hall	
17. Other Business Next meeting: June 17 Beginning at 9:30 a.m. at the AOC SeaTac Office, SeaTac	Chief Justice Barbara Madsen Judge Michael Lambo	



**Board for Judicial Administration  
Meeting Minutes**

**April 15, 2011  
Olympia, Washington**

**Members Present:** Chief Justice Barbara Madsen, Co-Chair; Judge Michael Lambo, Member Chair; Judge Marlin Appelwick; Judge Rebecca Baker; Judge Stephen Brown; Judge Ron Culpepper; Judge Deborah Fleck; Judge Janet Garrow; Mr. Jeff Hall; Judge Laura Inveen (by phone); Ms. Paula Littlewood; Judge Jack Nevin; Judge Christine Quinn-Brintnall; Judge Kevin Ringus; Judge Ann Schindler; Mr. Steven Toole; Judge Stephen Warning; and Judge Chris Wickham

**Guests Present:** Mr. Jim Bamberger, Ms. Peggy Bednared, Mr. M. Wayne Blair, Judge Harold Clarke III, Ms. Delilah George (by phone), and Mr. Kevin Stock

**Staff Present:** Ms. Beth Flynn, Ms. Shannon Hinchcliffe, Mr. Dirk Marler, Ms. Mellani McAleenan, Mr. Ramsey Radwan, Mr. Chris Ruhl, and Ms. Ann Watson

The meeting was called to order by Judge Michael Lambo and introductions were made.

March 18, 2011 Meeting Minutes

Judge Fleck asked that the following be added after the second paragraph on page 4:

Judge Fleck stated that the TCOFC was not an ad hoc committee but rather the necessary result of the BJA approved request by the Trial Court Operations Implementation Committee that it be renamed as the Justice in Jeopardy Implementation Committee. This created the necessity of an additional BJA committee to review and make proposals regarding the "Court Operations" leg of the Justice in Jeopardy three-legged stool. This committee was active in 2008, and has been dormant since that time.

Judge Fleck also requested that the consensus of the Board on page 4 be revised as follows:

By consensus, the BJA decided to ask that Judge Harold Clarke, the Chair of the BJA Trial Court Operations Funding Committee from 2008, and Judge Fleck should be in touch, activate the committee and make presentations on interpreters, CASAs and the Family and Juvenile Court Improvement Plan, at the April 15 BJA meeting in order to meet the April 22 date in the budget process.

**It was moved by Judge Culpepper and seconded by Judge Warning to approve the March 18 Board for Judicial Administration (BJA) meeting minutes with the amendments requested by Judge Fleck.**

#### Trial Court Operations Funding Committee

Judge Clarke gave a brief overview of the previous work of the Trial Court Operations Funding Committee (TCOFC). In 2008 the TCOFC was put together to work on funding proposals to take to the Legislature for the 2009-11 biennium. The projects the committee worked on sprung from the Justice in Jeopardy (JIJ) Task Force Report. The funding requests were for interpreter funding, state funding of district court judges salaries, and an increase in juror pay. About December 2008 the economic climate began to change. The economy started to unravel and all the proposals were shelved. Because of the economy the committee stopped meeting for practical purposes.

The TCOFC just became active again. Out of the nine previous committee members six agreed to serve on the committee again. There was no time to meet with the full committee prior to the meeting today because of the tight timeline but the committee is prepared to move forward.

The committee would like to restore the funding that had been in existence just two years ago for the CASA program, interpreters and the Family and Juvenile Court Improvement Plan (FJCIP). The funding for these programs has eroded. The impacts are substantial and they impact communities across the state.

Chief Justice Madsen asked Mr. Radwan to give the budget update so the BJA members would have an understanding of the budget issues prior to making a decision on the TCOFC recommendations. See the Budget section of these minutes.

After the budget report Judge Clarke indicated that the cuts and impact on programs need to be documented. Judge Clarke's recommendation is to keep the committee intact so that as the economy improves the committee can become more active in anticipation of increased funding.

Judge Fleck's suggestion is that the BJA endorse this material going forward to the Supreme Court. Moving it forward does not mean the Supreme Court will take it any further. A good portion of the background information for interpreters is complete and the state CASA program can assist in that presentation and the TCOFC is prepared for the FJCIP presentation also. Judge Fleck would like to have fresh numbers to move forward just like the Office of Public Defense and the Office of Civil Legal Aid are able to do. The BJA has a responsibility to keep the court operations portion of the Justice in Jeopardy Initiative focused and refreshed and able to move forward at the appropriate time.

**It was moved by Judge Fleck and seconded by Judge Baker to approve the recommendations of the Trial Court Operations Funding Committee. The motion failed with four members in favor, nine against and Chief Justice Madsen abstaining.**

Prior to the vote, the discussion focused on the need to prioritize the supplemental budget requests, how the Legislature will view the requests, the necessary amount of staff time to refresh the data when there is no money available, how critical it is to restore the funding right now, and is it considered an emergency which is what supplement budget requests are usually for.

Judge Fleck clarified that she is not proposing that the requests be in the Administrative Office of the Courts (AOC) or Supreme Court budgets. She just wants everything on the table. It is really just a matter of honoring the process. Judge Fleck stated that it is important for the BJA to recognize that with an executive director the Office of Public Defense (OPD) and the Office of Civil Legal Aid (OCLA) have a platform and court operations does not have that platform and does not know what the budget is until the AOC has figured out the budget. It is very clear that with their platforms OPD and OCLA have fared very well.

#### Resolution Regarding Recommendations Developed by the Task Force on Race in the Criminal Justice System

Mr. Marler reported that the BJA asked that a work plan be put together to work on the resolution regarding race in the criminal justice system that was drafted by Judge Fleck and presented at the March BJA meeting. An outline of a work plan has been developed and Justice Owens, Judge Steven González, Judge Fleck, Judge Garrow, Judge Wickham, Judge Quinn-Brintnall, and Judge Culpepper all volunteered to work on the resolution. Each of them will be contacted early next week and will get together for a phone conference to begin working on this and hope to have a deliverable in mid-to-late May.

#### Legislative Update

Mr. Hall congratulated Ms. McAleenan on moving the BJA's legislative agenda forward. The Governor signed the bill adding a third district court judge position in Grant County. The assault on judges and court employees bill is on the way to the Governor's office for signature.

#### State Budget Report

Mr. Radwan distributed a summary of the House and Senate budget proposals. Both the House and Senate essentially took the same approach. Both budgets were favorably amended before being voted off the floor. At this time, the Senate budget is

more favorable, in general, to the AOC, but much less favorable to the State Law Library. The House budget proposal, as passed off the floor, is much less favorable to the AOC but much better for the State Law Library. Both budget proposals contain the same level of reduction for the Supreme Court and Court of Appeals. Both proposals provide JIS funding at levels well below the amount requested and both contain JIS fund shifts, that if enacted, would be devastating to future information technology projects. Our ability to accomplish our core constitutional and statutory requirements will be adversely affected if either of these budgets pass as is. The OPD and OCLA fared well in both budget proposals.

The bottom line is that at this point in time Mr. Radwan does not think it would be good to go forward with any budget requests in 2012. The House and Senate have heard the trail of tears on how the budget will impact people and we would lose credibility if we submitted requests for general fund monies.

#### Problem Solving Courts Resolution

Judge Clarke stated that this resolution was before the BJA last fall and the resolution has been redrafted. The Superior Court Judges' Association (SCJA) and the District and Municipal Court Judges' Association (DMCJA) both voted to endorse the resolution. He would like to bring the resolution back to a future meeting for action. If any BJA members have revision suggestions, please contact Judge Clarke.

#### Justice in Jeopardy Implementation Committee Charter Revision

The Justice in Jeopardy Implementation Committee (JIJIC) is requesting a slight revision to their committee membership to establish the WSBA Executive Director as a standing member of the IJIC. This request is coming to the BJA based on a motion passed at a recent IJIC meeting.

**It was moved by Judge Fleck and seconded by Judge Garrow to make the WSBA Executive Director a standing member of the IJIC. The motion carried.**

#### Chair of the BJA Best Practices Committee

Judge Julie Spector provided notice to the BJA that she is stepping down as Chair of the BJA Best Practices Committee. This will be an action item on the May BJA meeting agenda.

Judge Lambo stated that Judge Spector was an excellent committee chair because she is full of energy and very focused.

### Access to Justice (ATJ) Board

Mr. Blair reported that June 3-5 is the annual ATJ conference in Kennewick. The theme is Eliminating Bias in the Justice System: A Call to Action and Service.

### Washington State Bar Association (WSBA)

Mr. Toole stated that the WSBA Board of Governors (BOG) implemented a new procedure to allow their Legislative Committee to make decisions by e-mail in an emergency. Through voting yesterday they authorized their lobbyists to contact legislators regarding the judicial branch budget. An e-mail should be sent to their members by noon today encouraging them to contact their legislators.

A Civil Legal Needs Work Group was created by the BOG to address the problems with civil needs. A charter was created and Mr. Blair was selected as the Chair. They are currently asking for nominations to serve on the work group from various stakeholder groups.

The next BOG meeting is in Bellevue on April 29. The Council on Public Defense is asking the BOG to approve a resolution recommending adoption by the Supreme Court of standards for indigent defense services required by CrR 3.1, CrRLJ 3.1 and JuCR 9.2.

### Reports from the Courts

**Supreme Court:** Chief Justice Madsen and Justice Stephens reported that the Supreme Court is working on the budget and Justice Stephens is leading the long-range planning operation within the building.

**Court of Appeals:** Judge Schindler stated that the Court of Appeals is working hard on electronic filing but fears it will be part of the budget cut. They are also working on long-range planning.

**Superior Courts:** Judge Warning stated the SCJA Spring Conference is the first week of May in Cle Elum.

**Courts of Limited Jurisdiction:** Judge Brown reported that the DMCJA Spring Conference will be held in Ocean Shores in June.

### Association Reports

**Superior Court Administrators:** Ms. George stated that her association members are operating with decreased budgets. In response to the budget reductions, courts are

implementing furloughs and asking staff to do more work in less time. They are going ahead with their spring conference and will meet in Wenatchee.

**County Clerks:** Mr. Stock reported that Ms. Vonnie Diseth will talk with his association about the Superior Court Case Management Feasibility Study during their spring conference.

**District and Municipal Court Administrators:** Ms. Bednared stated they had a staff conference in March which included two days of training for line staff and supervisors. The conference replaced their spring regional. Last year they had to cancel the regional because of the budget. In light of the budget the association is not reimbursing for conference lodging this year.

#### Administrative Office of the Courts

Mr. Hall reported that the Salary Commission had a good meeting early this week. A lot of good questions were asked and the level of understanding is good. They meet again in May and they will adopt the salary schedule. Mr. Hall suspects it will be a zero increase proposal.

The JIS Feasibility Study is being developed and is due June 24 and then the Judicial Information System Committee (JISC) will take action in August.

There being no further business, the meeting was adjourned.



**Board for Judicial Administration  
Trial Court Operations Funding Committee  
Members**

<b>Name</b>	<b>Representing</b>	<b>Court</b>
Judge Harold Clarke, Chair	Superior Court Judges' Association	Spokane County Superior Court
Judge Deborah Fleck	Superior Court Judges' Association	King County Superior Court
Judge Michael Trickey	Superior Court Judges' Association	King County Superior Court
Judge Frank La Salata	District and Municipal Court Judges' Association	King County District Court – East Division
Judge Patrick Burns	District and Municipal Court Judges' Association	Auburn Municipal Court
Judge Alicia Nakata	District and Municipal Court Judges' Association	Chelan County District Court
Paul Sherfey	Association for Washington Superior Court Administrators	King County Superior Court
Rafaela (Ela) Selga	District and Municipal Court Management Association	Clark County District Court
Vacant	Washington State Association of County Clerks	



Board for Judicial Administration  
**Best Practices Committee**

**Chair, BJA Best Practices Committee**

Judge Julie Spector, Chair, has resigned from the committee effective June 2011 (see next page). A new chair needs to be appointed.

**Appointments**

SCJA	Judge Linda Krese	(second term)
DMCJA	Judge Steven Buzzard	(second term)
	Judge Jerry Roach	(second term)
AWSCA	Ms. Pat Austin	(second term)
	Mr. Ron Miles	
Clerks	Ms. Ruth Gordon	
	Ms. Barbara Christensen	
DMCMA	Ms. Cynthia Marr	
WSBA	Mr. Michael J. Shinn	

**Exceptional Appointments**

The committee is requesting that the BJA extend the following appointments beyond the two-term limit. The Best Practices Committee is charged with creating and testing performance measures that will ultimately become part of a comprehensive court audit manual. The committee work is detailed and closely tied to somewhat technical auditing standards and methodology. Bringing new members up to speed can be a challenge because of the complexity of the decisions and the work that has gone before, and it can be difficult to find people willing or able to serve. This is a multi-year project, and the continuity of committee membership is crucial to achieving our goal.

**Requesting a motion to suspend Article VI of the BJA Bylaws for the sole purpose of reappointing:**

Supreme Court	Ms. Susan Carlson	(has served two terms)
Court of Appeals Clerk	Mr. David Ponzoha	(has served three terms)
DMCMA	Ms. Yvonne Pettus	(has served three terms)

**Other Members of the Committee (Terms Expire June 2012)**

COA	Judge Christine Quinn-Brintnall
SCJA	Judge Jean Rietschel
DMCJA	Judge Michael Lambo
DMCMA	Ms. Tina Marusich
JCA	Ms. Holli Spanski

**Chair Resignation E-mail**

**From:** Spector, Julie  
**To:** Clark, Colleen;  
**Subject:** RE: BPC Committee Terms  
**Date:** Tuesday, March 22, 2011 4:45:26 PM

Dear Colleen:

Regrettably I'm going to resign my position as chair. The past six years has been a thoughtful, deliberative but productive process where I have gotten to know a lot of different people across the State. All of us have found the committee's work to be a necessary part of what the public has a right to expect from its judiciary and clerks of court – fair and obtainable standards that apply to all levels of the court system. Prior to serving as chair, I also had the opportunity to serve as a member under the leadership of Judge Sperline. I think that puts me in about a 7-8 year period of time that I have served on the Best Practices committee. But it is time for another judge to take over the chair person's position. I have some family issues that need require a little less commitment to my job responsibilities and I trust you will pass this along to Justice Madsen and Judge Lambo and obviously Julia Appel.

Best wishes and many thanks to the support staff that I have had the opportunity to work with over the years.

Respectfully,

Judge Julie Spector  
King County Superior Court  
516 Third Ave., C-203  
Seattle, WA 98104

**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Best Practices

(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** Judge Linda Krese

**Nominated By:** SCJA

(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** June 2011

**Term End Date:** June 2013

**Has the nominee served on this subcommittee in the past?**

Yes ☒

No ☐

**If yes, how many terms have been served  
and dates of terms:**

1 term – thru 6/2011

**Additional information you would like the BJA to be aware of regarding the nominee:**

Please send completed form to:

Beth Flynn  
Administrative Office of the Courts  
PO Box 41174  
Olympia, WA 98504-1174  
[beth.flynn@courts.wa.gov](mailto:beth.flynn@courts.wa.gov)

**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Best Practices Committee

(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** Judge Steve Buzzard

**Nominated By:** DMCJA

(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** June 2011

**Term End Date:** June 2013

**Has the nominee served on this subcommittee in the past?**

Yes ☒

No ☐

**If yes, how many terms have been served  
and dates of terms:**

Two years (last-term)

**Additional information you would like the BJA to be aware of regarding the nominee:**

Please send completed form to:

Colleen Clark  
Administrative Office of the Courts  
PO Box 41170  
Olympia, WA 98504-1170  
[colleen.clark@courts.wa.gov](mailto:colleen.clark@courts.wa.gov)

**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Best Practices Committee

(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** Judge Jerry Roach

**Nominated By:** DMCJA

(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** June 2011

**Term End Date:** June 2013

**Has the nominee served on this subcommittee in the past?**

Yes ☒

No ☐

**If yes, how many terms have been served  
and dates of terms:**

Recently completed Judge Rietschel's  
term.

**Additional information you would like the BJA to be aware of regarding the  
nominee:**

Please send completed form to:

Colleen Clark  
Administrative Office of the Courts  
PO Box 41170  
Olympia, WA 98504-1170  
[colleen.clark@courts.wa.gov](mailto:colleen.clark@courts.wa.gov)

**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Best Practices Committee

(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** Pat Austin

**Nominated By:** AWSCA

(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** June 2011

**Term End Date:** June 2013

**Has the nominee served on this subcommittee in the past?** Yes ☒ No ☐

**If yes, how many terms have been served and dates of terms:** Just completing first term on the committee

**Additional information you would like the BJA to be aware of regarding the nominee:**

Please send completed form to:

Colleen Clark  
Administrative Office of the Courts  
PO Box 41170  
Olympia, WA 98504-1170  
[colleen.clark@courts.wa.gov](mailto:colleen.clark@courts.wa.gov)

**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Best Practices Committee

(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** Ron Miles

**Nominated By:** AWSCA

(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** June 2011

**Term End Date:** June 2013

**Has the nominee served on this subcommittee in the past?**

Yes ☐

No ☒

**If yes, how many terms have been served  
and dates of terms:** \_\_\_\_\_

**Additional information you would like the BJA to be aware of regarding the  
nominee:**

Please send completed form to:

Colleen Clark  
Administrative Office of the Courts  
PO Box 41170  
Olympia, WA 98504-1170  
[colleen.clark@courts.wa.gov](mailto:colleen.clark@courts.wa.gov)

**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Best Practices Committee

(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** Ruth Gordon, Jefferson County Clerk

**Nominated By:** WSACC by Michael Killian, Director of Committees

(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** June 2011

**Term End Date:** June 2013

**Has the nominee served on this subcommittee in the past?**

Yes ☒

No ☐

**If yes, how many terms have been served  
and dates of terms:**

Served as alternate.

**Additional information you would like the BJA to be aware of regarding the  
nominee:**

Ms. Gordon has served on this committee in the capacity as an alternate for WSACC.

Please send completed form to:

Colleen Clark  
Administrative Office of the Courts  
PO Box 41170  
Olympia, WA 98504-1170  
[colleen.clark@courts.wa.gov](mailto:colleen.clark@courts.wa.gov)

**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Best Practices Committee

(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** Barbara Christensen

**Nominated By:** WSACC

(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** June 2011

**Term End Date:** June 2013

**Has the nominee served on this subcommittee in the past?**

Yes ☐

No ☐

**If yes, how many terms have been served  
and dates of terms:** \_\_\_\_\_

**Additional information you would like the BJA to be aware of regarding the  
nominee:**

County Clerk for Clallam county for 5 years.

Please send completed form to:

Colleen Clark  
Administrative Office of the Courts  
PO Box 41170  
Olympia, WA 98504-1170  
[colleen.clark@courts.wa.gov](mailto:colleen.clark@courts.wa.gov)

**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Best Practices Committee

(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** Cynthia Marr

**Nominated By:** DMCMA

(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** June 2011

**Term End Date:** June 2013

**Has the nominee served on this subcommittee in the past?** Yes ☐ No ☒

**If yes, how many terms have been served  
and dates of terms:** \_\_\_\_\_

**Additional information you would like the BJA to be aware of regarding the  
nominee:**

Cynthia Marr has been with Pierce County District Court since 1994. She is the Computer Systems Business Analyst. She manages all technology of the court, and is responsible for procedural assessments and statistical reporting.

Please send completed form to:

Colleen Clark  
Administrative Office of the Courts  
PO Box 41170  
Olympia, WA 98504-1170  
[colleen.clark@courts.wa.gov](mailto:colleen.clark@courts.wa.gov)

**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Best Practices Committee

(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** Susan Carlson, Deputy Clerk, Supreme Court

**Nominated By:** Chief Justice Barbara Madsen

(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** June 2011

**Term End Date:** June 2013

**Has the nominee served on this subcommittee in the past?** Yes ☒ No ☐

**If yes, how many terms have been served and dates of terms:** Ms. Carlson has completed two terms representing the Supreme Court

**Additional information you would like the BJA to be aware of regarding the nominee:**

Please send completed form to:

Colleen Clark  
Administrative Office of the Courts  
PO Box 41170  
Olympia, WA 98504-1170  
[colleen.clark@courts.wa.gov](mailto:colleen.clark@courts.wa.gov)

**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Best Practices Committee

(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** David Ponzoha

**Nominated By:** Court of Appeals Clerks

(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** June 2011

**Term End Date:** June 2013

**Has the nominee served on this subcommittee in the past?**

Yes ☒

No ☐

**If yes, how many terms have been served  
and dates of terms:**

Mr. Ponzoha has served on this  
committee for three terms.

**Additional information you would like the BJA to be aware of regarding the  
nominee:**

Please send completed form to:

Colléen Clark  
Administrative Office of the Courts  
PO Box 41170  
Olympia, WA 98504-1170  
[colleen.clark@courts.wa.gov](mailto:colleen.clark@courts.wa.gov)

**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Best Practices Committee

(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** Yvonne Pettus

**Nominated By:** DMCMA

(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** June 2011

**Term End Date:** June 2013

**Has the nominee served on this subcommittee in the past?** Yes ☒ No ☐

**If yes, how many terms have been served  
and dates of terms:**

Ms. Pettus has served on this  
committee for three terms.

**Additional information you would like the BJA to be aware of regarding the  
nominee:**

Please send completed form to:

Colleen Clark  
Administrative Office of the Courts  
PO Box 41170  
Olympia, WA 98504-1170  
[colleen.clark@courts.wa.gov](mailto:colleen.clark@courts.wa.gov)

**Board for Judicial Administration  
Nomination Form for BJA Committee Appointment**

**BJA Committee:** Best Practices Committee

(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

**Nominee Name:** Michael J. Shinn

**Nominated By:** Washington State Bar Association

(i.e. SCJA, DMCJA, etc.)

**Term Begin Date:** June 2011

**Term End Date:** June 2013

**Has the nominee served on this subcommittee in the past?**

Yes

☐

No

☒

**If yes, how many terms have been served  
and dates of terms:**

**Additional information you would like the BJA to be aware of regarding the  
nominee:**

**Please send completed form to:**

Colleen Clark  
Administrative Office of the Courts  
PO Box 41170  
Olympia, WA 98504-1170  
[colleen.clark@courts.wa.gov](mailto:colleen.clark@courts.wa.gov)



**WSBA**  
OFFICE OF THE EXECUTIVE DIRECTOR

5/16/11 forwarded to Colleen  
Clark for 5/20/11 BJA  
agenda

Paula C. Littlewood  
Executive Director

direct line: 206-239-2120  
fax: 206-727-8310  
e-mail: paulal@wsba.org

May 11, 2011

The Honorable Barbara A. Madsen  
Chief Justice  
Washington State Supreme Court  
Temple of Justice  
P.O. Box 40929  
Olympia, WA 98504-0929

RE: Nomination of Michael J. Shinn to the Board for Judicial Administration Best Practices Committee

Dear Chief Justice Madsen:

At its April 29, 2011, meeting, the WSBA Board of Governors nominated Michael J. Shinn for Supreme Court appointment to the Board for Judicial Administration Best Practices Committee. The two-year term would begin upon appointment and end May 31, 2013. Enclosed is a copy of Mr. Shinn's letter of interest and résumé.

Thank you for considering this nomination for appointment to the Board for Judicial Administration Best Practices Committee.

Sincerely,

Paula C. Littlewood  
Executive Director

Enclosure

cc: Hon. Julie Spector, Chair, Board for Judicial Administration Best Practices Committee  
Colleen Clark, Administrative Office of the Courts  
Michael J. Shinn

*Working Together to Champion Justice*



Rob McKenna

## ATTORNEY GENERAL OF WASHINGTON

1220 Main Street #510 • Vancouver WA 98660-2964 • (360) 759-2100

March 31, 2011

Washington State Bar Association Communications Department  
1325 Fourth Avenue, Ste. 600  
Seattle, WA 98101-2539

RE: Application for Service on Board for Judicial Administration Best Practices Committee

Greetings:

I would like to be considered for appointment to the open position on the Board for Judicial Administration Best Practices Committee. I believe that my experience and qualifications make me uniquely qualified to provide excellent service as a Committee member and to benefit both the Bar and the citizens as a whole.

My legal career has been spent as an Assistant Attorney General for the Washington Attorney General's Office (AGO). I have been with the office since January 1993, and have served as a Senior Assistant Attorney General since December 2005. My practice in the AGO has given me opportunity to appear in a large number of counties' superior courts, in federal trial court, as well as in state and federal appellate courts. This experience has given me insight into a wide variety of court operations as well as an opportunity to see particularly effective practices.

I currently serve as the manager over the Regional Services Division of the AGO. This division comprises seven offices located in western and central Washington. Our division's staff members provide legal services to a variety of state agencies and higher education institutions located in the counties surrounding each of our seven locations. Attorneys I supervise regularly appear in twenty one counties' superior courts, and I have had opportunity to observe and consider the practices of most of those courts in the five-plus years I have been in this position. I am strongly motivated and highly interested in helping assess the effectiveness of our court system and contributing to finding ways to increase that effectiveness.

Performance measurement is something I am passionate about and have had opportunity to build skills in. As the Regional Services Division Chief, I put this into practice in designing a system to measure our division's effectiveness in achieving timely outcomes in juvenile dependency cases. Over the course of a year-long strategic planning, design, and testing process, our division was able to create a reliable and accurate measure of how long on average each child was

ATTORNEY GENERAL OF WASHINGTON

March 31, 2011

Page 2

spending in the juvenile system prior to being legally ready for a permanent resolution of the child's dependency matter. Measuring these results required a complex analysis and refinement of existing case management information kept in the AGO. Our division now has data on this measure for four fiscal years. We have been able to make significant adjustments of our resource use and focus our attention on why we have had successes in particular locations so that we can apply lessons from those locations in areas where we have faced greater challenges.

I was also fortunate to complete the two-week Executive Management Program in 2007 at the University of Washington's Cascade Center for Public Service and Leadership through the Evans School of Public Affairs. Performance audit measures were a major thread of focus throughout that program.

I would welcome an opportunity to apply my skills and interest to the Committee's work. I am a collaborative and hard-working individual, and have a strong track record of working well in teams to achieve positive outcomes on thoughtfully set goals. I also have the support of my supervisors in the AGO to devote time and effort to the Committee's important work. Thank you for considering my application.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael J. Shinn".

MICHAEL J. SHINN  
Senior Assistant Attorney General

Attachment

**Michael J. Shinn**  
1220 Main Street, Suite 510  
Vancouver, Washington 98660  
(360) 759-2122

**Legal Experience:**

**Senior Assistant Attorney General, Washington State Attorney General's Office**  
(December 2005 to present):

**Division Chief, Regional Services Division:**

Responsible for overall supervision and coordination of the legal work of fifty attorneys and fifty staff members located in seven geographic locations throughout the State of Washington. Set strategic plan for division to direct efforts and resources of division to the most important tasks for providing effective and efficient representation of client agencies. Monitor progress on specific goals and performance measures, report results to supervisors and subordinates, and adjust tactics on an ongoing basis to improve performance. Manage \$20 million biennial budget for division. Coordinate division's work with other divisions in the office, including allocating staff resources to provide best legal representation to state agencies represented jointly by Regional Services Division and other office divisions. Provide mentoring, advice, feedback, and evaluation to reporting attorneys on legal strategies and job performance, monitor caseloads, deadline compliance, and compliance with office policies. Interview and recommend hiring of attorneys.

**Assistant Attorney General, Washington State Attorney General's Office (1993 to 2005):**

**Section Chief, Regional Services Division, Vancouver:**  
(December 2003 – November 2005)

Promoted in competitive process to management position. Provided primary legal representation to Clark College, and litigated child abuse and neglect matters. Supervised eight attorneys and nine support staff in office responsible for variety of litigation and client advice to state agencies in southwest Washington. Provide mentoring, advice, feedback, and evaluation to reporting attorneys on legal strategies and job performance, monitor caseloads, deadline compliance, and compliance with office policies. Interview and recommend hiring of attorneys and support staff. Monitor, address, and resolve personnel issues. Evaluate personnel.

Regional Services Division, Vancouver:  
(September 2003 – December 2003)

Provided primary legal advice to Clark College, a two-year state community college. Participated in team briefing and preparing for argument to the U.S. Supreme Court in Locke v. Davey (*see below*). Represented the state Department of Social and Health Services in high-volume litigation practice involving prosecuting child abuse and neglect cases in civil court. Represented Department of Social and Health Services in advice and administrative litigation in licensing matters involving adult family homes, day care centers, and licensed foster homes.

Education Division, Seattle:  
(1998-2003)

Provided primary legal advice to community colleges. Provided counsel and problem-solving advice to presidents, board members, and administrators on a variety of legal issues. Subject matter included full range of employment issues, faculty tenure process and decisions, student discipline, student records, and other issues specific to state agencies and institutions of higher education. Negotiated, drafted, and reviewed a wide variety of contracts. Litigated employment matters before administrative boards.

Served as division attorney responsible for litigating church and state issues in state and federal court for higher education agencies served by division. Attorney with primary responsibility at Ninth Circuit Court of Appeals and Federal District Court levels for federal suit regarding state funding for theology degrees, resulting in favorable ruling for state in U.S. Supreme Court, Locke v. Davey, 540 U.S. 712 (2004).

Tort Claims Division, Seattle:  
(1996-1998)

Represented various state agencies and higher education clients in state and federal tort defense practice including personal injury, civil rights, and employment litigation. Advised state agency clients and risk managers on risk management issues. Resolved cases through mediation and informal negotiations. Conducted jury trials and arbitrations. Drafted and argued summary judgment motions. Took and defended large number of depositions and conducted extensive paper discovery.

State Investment Board Litigation Team, Seattle:  
(1995-1996)

Participated in a litigation team in complex civil lawsuit resulting in \$142 million

settlement to state. Conducted extensive document discovery and drafted discovery motions. Participated in strategy planning for depositions and trial. Worked closely and cooperatively with outside counsel appointed as Special Assistant Attorneys General.

Regional Services Division, Everett:  
(1993-1995)

Represented the Office of Support Enforcement in a high volume superior court practice. Drafted and argued a large number of motions on a variety of legal issues before superior court judges and commissioners.

**Education:**

University of Washington School of Law  
Juris Doctor with Honors, June 1992  
Associate Editor, Washington Law Review

University of Oregon  
Bachelor of Science in Geology, June 1986

**Bar Admissions:**

Washington State Bar, 1992  
United States Supreme Court, 2003  
Ninth Circuit Court of Appeals, 2002  
Federal District Court, Western and Eastern Districts of Washington, 1996

**Honors and Awards:**

Special Recognition Award, 1996, Attorney General's Office  
State Investment Board Litigation Team  
Diversity Advocate Award, 2000, Attorney General's Office  
Seattle Diversity Site Coordinators  
Best U.S. Supreme Court Brief Award, 2003 Term  
National Association of Attorneys General  
Locke v. Davey Petitioner's Brief (co-author)  
Attorney General's Award, 2004  
Locke v. Davey Supreme Court Team  
Governor's Award for Leadership in Management, 2007

**Additional Activities:**

Member, AGO Office-wide Diversity Advisory Committee (2002-2004)

Member, Seattle AGO Office Diversity Site Coordinators (2000 to 2003)  
Volunteer, King County Bar Association Fremont/Greenwood Legal Clinic (2001 to 2003)

**Non-Legal Work Experience**

Manager, Downriver Public Golf Course Restaurant, Spokane Washington (1988-89). Managed a crew of part-time workers. Responsible for food and banquet preparation at public golf course, including menu planning, managing and accounting for revenues, and negotiating prices with vendors.

Custodial Specialist, Eugene Public School District 4J, Eugene, Oregon (1984-87). Worked as a custodian in large public school district as a member of small substitute custodial crew. Responsible for cleaning and securing elementary, junior high schools, and high schools on rotating basis.

Summer Custodial Crew, Beaverton School District 48, Beaverton, Oregon (1982-1984). Worked as custodian on crew of summer workers, responsible for annual cleaning and maintenance tasks in public schools under supervision of full-time custodial and maintenance workers.

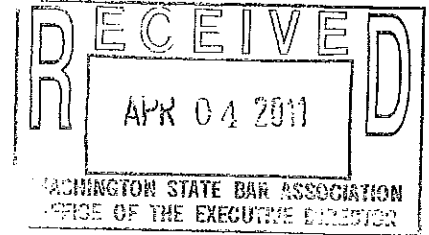


Rob McKenna

# ATTORNEY GENERAL OF WASHINGTON

1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100

April 1, 2011



WSBA Board of Governors  
Communications Department  
1325 Fourth Avenue, Suite 600  
Seattle, WA 98101-2539

RE: **Letter of Support for Michael Shinn**  
**Board for Judicial Administration Best Practices Committee**

Greetings:

I am writing to lend my enthusiastic support for Michael Shinn, Senior Assistant Attorney General, and his application for a position on the Board for Judicial Administration Best Practices Committee. Michael is uniquely well-suited to serve on this important committee and is worthy of securing your nomination for an appointment by the Washington State Supreme Court.

Michael serves as the Regional Services Division (RSD) Chief of the Washington State Attorney General's Office (AGO). In that capacity, Michael has gained extensive familiarity with the courts of our state and the communities they serve. As RSD Chief, Michael oversees approximately 100 attorneys and professional support staff employees who provide a wide variety of legal services to state agencies and institutions on topics such as child abuse and neglect, workers' compensation, driver's licenses, unemployment compensation and higher education. RSD employees work in seven different offices throughout the state—Bellingham, Everett, Kennewick, Port Angeles, Vancouver, Wenatchee and Yakima. Division attorneys appear before all levels of our appellate courts, before courts in 21 of our state's 39 counties and before various administrative boards, with each tribunal operating under a separate set of rules and procedures.

In addition, as a member of our AGO Leadership Team, Michael has integrated performance measures as a way to manage the work of his division. For example, Michael collaborates with other division chiefs and deputy members of my Core Leadership Team on juvenile litigation matters, i.e., dependency and termination cases. Michael and his colleagues regularly monitor AGO performance measures related to our juvenile litigation practices to ensure improvement and compliance, as well as consistency of practice. Michael also has implemented unique performance measures within his division that help to measure by county how long a child has

ATTORNEY GENERAL OF WASHINGTON

WSBA Board of Governors  
April 1, 2011  
Page 2

been in the "system." During these difficult budget times, Michael also has taken active steps to increase efficiencies in his division's operations. He knows that he cannot implement these efficiencies on his own and regularly confers with key stakeholders, including judges, commissioners and other court personnel, as well as public defenders and Department of Social and Health Services administrators.

Michael has an impeccable record of service as a dedicated public lawyer. He has served the AGO since 1993 and has successfully practiced in many different subject matter areas before a variety of courts. He also was a recipient of the 2007 Governor's Award for Leadership in Management. Service on the Board for Judicial Administration Best Practices Committee will allow Michael the opportunity to utilize his broad experiences and his expertise with performance measures for the benefit of our courts and the people they serve. In addition, the AGO remains a vital partner in identifying and implementing best practices that will improve our state's judicial system, and I want to ensure that we lend our voice and support to this important process.

I am certain that the work of the Committee will be enhanced by the participation of Michael Shinn. Thank you for your time and consideration of Michael's nomination and my letter of recommendation. Please do not hesitate to contact me if you would like to discuss this in further detail.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob McKenna". The signature is fluid and cursive, with the first name "Rob" written in a larger, more prominent script than the last name "McKenna".

ROB MCKENNA  
Attorney General

RMM/rb

cc: Brian Moran, Chief Deputy Attorney General  
Nancy E. Hovis, Deputy Attorney General  
Michael Shinn, Division Chief, Regional Services



## BOARD FOR JUDICIAL ADMINISTRATION

### PROCESS AND GUIDELINES FOR RESOLUTION REQUESTS

The Board for Judicial Administration (BJA) was established to adopt policies and provide strategic leadership for the courts at large, enabling the Washington State judiciary to speak with one voice. To fulfill these objectives, the BJA may consider adopting resolutions on substantive topics relating to the administration of justice in accordance with the Principal Policy Goals of the Washington Judicial Branch:

1. **Fair and Effective Administration of Justice in All Civil and Criminal Cases.** Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.
2. **Accessibility.** Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.
3. **Access to Necessary Representation.** Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.
4. **Commitment to Effective Court Management.** Washington courts will employ and maintain systems and practices that enhance effective court management.
5. **Appropriate Staffing and Support.** Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.

In order to help ensure timely and thorough consideration of proposed resolutions, the BJA has established these guidelines regarding procedure, form and content. Care must also be taken not to dilute the importance of resolutions by adopting too many or without proper consideration.

Resolution requests may be initiated by BJA members or by outside parties. The requestor shall submit the resolution, in writing, with a request form containing a brief statement of purpose and explanation, to the BJA Associate Director.

The Associate Director shall refer properly submitted resolutions to appropriate AOC staff, and/or to an appropriate standing committee (or committees) for

review and recommendation, or directly to the BJA's Executive Committee, as appropriate. Review by the BJA's Executive Committee will precede review by the full BJA membership. Such review may be done via e-mail communication rather than in-person discussion when practical. Resolutions may be reviewed for style and content. Suggestions and comments will be reported back to the initiating requestor as appropriate.

Review should include discussion of priorities relative to existing strategic or long-range plans, whether resources are available to properly act upon the resolution, and any recommended language changes. Resolutions must be consistent with the Principal Policy Goals and long-range goals.

The report and recommendation of the Executive Committee shall be presented to the BJA membership at the next reasonably available meeting, at which time the resolution may be considered. Action on the proposed resolution will be taken in accordance with the BJA's rules and bylaws. The BJA may approve or reject proposed resolutions and may make substantive changes to the resolutions.

This process will ensure that (1) BJA members receive a written explanation of the resolution; (2) resolutions are screened in order to avoid last minute emergency debates and possible mistakes of fact or inaccurate statements; (3) when feasible, a thoughtful recommendation as to the resolution can be provided by the Executive Committee or a responsible committee; (4) a clear description is provided to requestors regarding how to proceed to obtain BJA consideration; and (5) a simple, expedited process exists, where time allows, for referral to the Executive Committee or other committee, followed by full membership consideration.

Resolutions should not be more than two pages in length. An appropriate balance must be struck between background information and a clear statement of action. Traditional resolution format should be followed. Resolutions should cover only a single subject unless there is a clear and specific reason to include more than one subject. Resolutions must be short-term, stated in precise language, and include a specific call to action. They are not long-term policy statements.

Resolutions must include a specific expiration date or will automatically expire in five years. Resolutions will not be automatically reviewed upon expiration of their term, but may be reviewed upon request for reauthorization. Resolutions may be terminated prior to their expiration date as determined by the BJA.

Approved resolutions will be numbered, maintained on the BJA section of the AOC website, and disseminated as determined by the BJA.

# BOARD FOR JUDICIAL ADMINISTRATION

## RESOLUTION REQUEST COVER SHEET

(INSERT PROPOSED RESOLUTION TITLE HERE)

SUBMITTED BY: (INSERT NAME HERE)

---

(1) **Name(s) of Proponent(s):**

(2) **Spokesperson(s):** (List who will address the BJA and their contact information.)

(3) **Purpose:** (State succinctly what the resolution seeks to accomplish.)

(4) **Desired Result:** (Please state what action(s) would be taken as a result of this resolution and which party/-ies would be taking action.)

(5) **Expedited Consideration:** (Please state whether expedited consideration is requested and, if so, please explain the need to expedite consideration.)

(6) **Supporting Material:** (Please list and attach all supporting documents.)



# BOARD FOR JUDICIAL ADMINISTRATION

## RESOLUTION REQUEST COVER SHEET

Efforts to Eliminate Racial Disproportionality and Disparate Treatment in  
Washington Courts and Justice System

**SUBMITTED BY: Judge Deborah Fleck**

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**(1) Name(s) of Proponent(s):** Judge Deborah Fleck, modeled after the Resolution of the Superior Court Judges' Association adopted in November 2010 and forwarded to the BJA for its consideration.

**(2) Spokesperson(s):** Judge Deborah Fleck, [Deborah.fleck@kingcounty.gov](mailto:Deborah.fleck@kingcounty.gov)

**(3) Purpose:** The purpose of the resolution is for the Board for Judicial Administration to make a public resolution and commitment to support education of judicial officers in the area of racial disproportionality and disparate treatment in the Washington Court system and to identify and implement corrective measures and pursue necessary changes to achieve the fair and impartial administration of justice, as more fully set out in the attached Resolution.

**(4) Desired Result:** (Please state what action(s) would be taken as a result of this resolution and which party/ies would be taking action.)

Through the Board for Court Education and the committees designed to staff judicial conferences, the trial court associations and BJA could request standard education sessions related to the topics of racial disproportionality and disparate treatment in the judicial system. While all trial courts and appellate courts who participate in judicial conferences currently have the ability to submit education ideas, the resolution would be a policy statement from the administrative oversight of the judicial branch that could provide a clear focus for upcoming education conferences. Through the judicial branch associations and relationships with law-related organizations, schools and associations, the Board for Judicial Administration and judicial associations could support proposed improvements that serve the fair and impartial administration of justice.

**(5) Expedited Consideration:** (Please state whether expedited consideration is requested and, if so, please explain the need to expedite consideration.)

This proposed resolution should be on the discussion calendar, followed by presentation on the action calendar in the following month.

**(6) Supporting Material:** (Please list and attach all supporting documents.)

Please find attached the materials presented by the Task Force on Race and the Criminal Justice System at an historical gathering at the Temple of Justice on March 2, 2011.

RESOLUTION of the BOARD FOR JUDICIAL ADMINISTRATION  
of the State of Washington

WHEREAS, equal justice is fundamental to the American system of government under law; and

WHEREAS, we recognize that racial and ethnic bias exist in the criminal and civil justice system and we want to eradicate it; and

WHEREAS, facially neutral policies and practices that have a disparate impact on people of color contribute significantly to disproportionalities in the criminal and civil justice system, and

WHEREAS, racial and ethnic bias distort decision-making at various stages in the criminal and civil justice system, thus contributing to disproportionalities and disparate treatment in the criminal and civil justice system, and

WHEREAS, racial and ethnic bias matter in ways that are not fair, that do not advance legitimate public safety objectives, that produce disproportionality and disparate treatment in the criminal and civil justice system, and that undermine public trust and confidence in our legal system; and

WHEREAS, the judiciary, consistent with its obligation to administer justice fairly, efficiently and effectively, has a vital role to play in ensuring that existing and proposed rules, policies and practices are fair and do not result in racial or ethnic disproportionality and disparate treatment in the criminal and civil justice system; and

WHEREAS, the Board for Judicial Administration as the policy-making body of Washington's judicial branch of government plays a leadership role to ensure fairness in the justice system,

NOW THEREFORE, BE IT RESOLVED that the Board for Judicial Administration endorses and strongly advocates a well-coordinated effort by the judicial branch, the Washington State Bar Association, minority bar associations, law schools and interested stakeholders to accomplish the following:

- (1) Educate the public and those in the justice system on racial and ethnic disproportionality and disparate treatment occurring in the justice system;
- (2) Evaluate existing and proposed rules, policies and practices to determine whether they contribute to racial and ethnic disproportionality or disparate treatment in the justice system, and if so, how such impacts can be avoided or corrected;
- (3) Identify corrective measures and pursue system-wide improvements in racial and ethnic fairness;
- (4) Measure and evaluate progress in addressing these issues that are critical to a fair and impartial system of justice in Washington; and
- (5) Develop and implement action plans to accomplish the objectives above to eliminate racial and ethnic disproportionality and disparate treatment in the justice system; and

BE IT FURTHER RESOLVED that the Board for Judicial Administration encourages judicial officers, through their associations, commissions and other judicial branch organizations, to work with members of the executive and legislative branches, as appropriate, to promote the adoption of laws, policies and evidence-based practices shown to be effective in reducing racial and ethnic disproportionality and disparate treatment in the criminal and civil justice system.



## WASHINGTON JUDGES' FOUNDATION

TO: All Justices, Judges and Commissioners in Washington State  
FM: Committee to Select Nominees for the Judge William Nevins Award

You are invited to submit the name of an active or retired judge or judges in Washington State to receive the 2010 Judge William Nevins Award for outstanding contribution to youth education and/or the public understanding of the law and the role of the judiciary in American society.

### PROSPECTIVE NOMINEE

Judge \_\_\_\_\_ of \_\_\_\_\_ Court  
should be considered for the Nevins award for the following reason(s):

Submitted by Judge \_\_\_\_\_ of \_\_\_\_\_ Court.  
(Please print name of submitter and court)

Please submit forms by e-mail to Judge Paja at [mpaja@co.kitsap.wa.us](mailto:mpaja@co.kitsap.wa.us) , Judge Fleck at [Deborah.Fleck@kingcounty.gov](mailto:Deborah.Fleck@kingcounty.gov) or Judge Harris at [cedarbob1@q.com](mailto:cedarbob1@q.com) and/or by mail, by \_\_\_\_\_ at 4:30 PM.

Judge Marilyn Paja  
Kitsap County District Court  
614 Division Street  
MS 25, Room 106  
Port Orchard, WA 98366-4684

Judge Deborah Fleck  
King County Superior Court  
Regional Justice Center  
401 - 4<sup>th</sup> Ave No.  
Kent, WA 98032

Judge Robert Harris (ret'd)  
401 Cedar Street  
Vancouver, WA 98661

## **Justice Fairhurst's Appointment to the BJA Public Trust and Confidence Committee**

### **May 16, 2003 BJA Meeting Minutes**

#### **Public Trust & Confidence**

Chief Justice Alexander advised that Justice Bridge resigned as chair of the Public Trust & Confidence Committee. Justice Bridge recommended the appointment of Justice Fairhurst to chair that committee. Chief Justice Alexander reminded the members that the by-laws require approval of BJA.

**It was moved by Justice Madsen and seconded by Judge Schultheis to accept the resignation of Justice Bridge as chair of the Public Trust and Confidence Committee and appoint Justice Fairhurst as chair. The motion passed unanimously.**

### **June 20, 2003 BJA Meeting Minutes**

#### **Public Trust and Confidence Committee**

Justice Fairhurst thanked the Board for confidence in her in their selection of her as chair of the Public Trust and Confidence Committee. She stated she is eager to work with other members in educating the public about the judiciary, the role played by the judiciary and the difference the judiciary makes in the community.

Justice Fairhurst indicated that the Committee is interested in innovative outreach programs, including juror appreciation and education pamphlets. Justice Fairhurst asked if any of the BJA members had feedback.

The Board briefly discussed the financial impact on citizens serving on juries. In particular, jurors not only pay for parking and transportation, but also for the cost of their lunch. It was also pointed out that jurors who are self-employed have the additional hardship of lost wages. The Board also discussed the necessity to find a way for jurors to serve without financial discomfort to jurors.

Chief Justice Alexander asked the Public Trust and Confidence Committee to discuss the juror issue. He asked that the Committee report their recommendations to BJA.

## **MARY E. FAIRHURST**

Elected in 2002, Mary Fairhurst began serving as a justice on the Washington Supreme Court in 2003. She started her legal career in the Supreme Court as a judicial clerk, working first with Chief Justice William H. Williams in 1984 and then with Justice William C. Goodloe until 1986.

For the intervening sixteen years, Justice Fairhurst served the citizens of the State of Washington in the Washington Attorney General's Office. She worked with Attorneys General Christine Gregoire and Ken Eikenberry. She specialized in the areas of criminal justice, transportation, revenue, and labor. When she left, she was serving as the Division Chief of the Revenue, Bankruptcy and Collections Division. In 1998, Attorney General Gregoire gave her Steward of Justice award to Justice Fairhurst.

Justice Fairhurst also did work not related to her cases that made a difference to Washington citizens. She worked on the constitutional amendment to increase the rights of crime victims while still honoring the constitutional rights of the accused. She organized the first statewide conferences on domestic violence. She planned and facilitated a youth violence summit and organized and moderated conferences dealing with sex offenders in the community.

Justice Fairhurst is a leader in the legal profession. She served as President of the Washington State Bar Association. She was the second woman, first public sector, and youngest attorney to hold this position. She also served on the Bar Board of Governors representing the Third Congressional District and as President of Washington Women Lawyers.

Currently she chairs the Judicial Information System Committee and chairs the Board for Judicial Administration's (BJA) Public Trust and Confidence Committee. She serves on the Supreme Court's Administrative Committee, Budget Committee, Circulation Committee, and Long Range Planning Committee.

Throughout her career, Justice Fairhurst has worked to enhance the opportunities for women and minorities in the profession and to ensure access to justice for low-income individuals and families. In 1998, Washington Women Lawyers gave her its Passing the Torch award and in

1999, LEGALS, P.S. gave her its Allies for Justice award. She has served on the Supreme Court's Gender and Justice Commission and Access to Justice Board committees.

Justice Fairhurst is also active working for children and youth. She served two years on the Girl Scouts Board of the Pacific Peaks Council. She supports the YMCA Youth and Government Program and helped create the Lawyers and Students Engaged in Resolution Program. She is the state chair of the iCivics program and is active with the We the People Board. Justice Fairhurst speaks regularly to individuals and groups about the judiciary. Justice Fairhurst serves on the Thurston County Food Bank Board.

In 1984, Justice Fairhurst earned her law degree magna cum laude from Gonzaga University School of Law. She earned her undergraduate degree in political science cum laude from Gonzaga University in 1979. She also received an honorary Doctor of Laws degree from Gonzaga University in 2006. She currently serves as president of the Gonzaga Law School Board of Advisors and the Gonzaga Law School Alumni Association. She is also a member of the Gonzaga University Board of Regents. In September 2004, Justice Fairhurst delivered the 33rd annual William O. Douglas lecture at Gonzaga University School of Law. She received the Myra Bradwell award from Gonzaga in 1999.

Justice Fairhurst comes from a large, loving family which places great value on fairness, service, and the dignity of every man, woman, and child. She is dedicated to ensuring that our legal system treats people fairly, equally, and protects everyone's basic rights.

**JUSTICE MARY E. FAIRHURST**  
**Washington State Supreme Court**  
**P.O. Box 40929**  
**Olympia, Washington 98512**  
**(360) 357-2053**

November 2008	Re-elected Justice, Washington State Supreme Court
November 2002	Elected Justice, Washington State Supreme Court
November 1984	Admitted as member of Washington State Bar

**FORMAL EDUCATION**

May 1984	GONZAGA UNIVERSITY, SCHOOL OF LAW, Spokane Juris Doctor magna cum laude Class rank: 3 out of 177 G.P.A.: 3.54
May 1979	GONZAGA UNIVERSITY, Spokane Bachelor of Arts, Political Science cum laude

**WORK EXPERIENCE**

**WASHINGTON STATE SUPREME COURT, Olympia**

January 2003- *Justice*

**OFFICE OF THE ATTORNEY GENERAL, Olympia**

July 2001- January 2002	<i>Division Chief, Revenue, Bankruptcy and Collections Division</i> Sr. Assistant Attorney General leading 14 attorneys and 12 staff located in Olympia and Seattle. Lead counsel to the Department of Revenue (DOR). Supervise attorneys who represent and advise DOR in all state tax cases and issues. Supervise attorneys providing bankruptcy and collection advice to DOR, L&I, ESD and other agencies.
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January 2000- July 2001	<i>Division Chief, Revenue Division</i> Sr. Assistant Attorney General leading 8 attorneys and 4 staff. Lead counsel to DOR. Supervise attorneys who represent and advise DOR in all state tax cases and issues.
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April 1995- December 1999	<i>Assistant Attorney General, Criminal Justice Division</i> Team Leader of the Corrections Unit, leading 9 attorneys. Represent the Department of Corrections in civil rights cases, personal restraint petitions and advise on prison issues. Responsibility expanded to include advice on siting, contracting, public disclosure and Correctional Industries issues.
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April 1991- March 1995	<i>Assistant Attorney General, Transportation &amp; Public Construction Division</i> Represent the Department of Transportation in construction claims, condemnation, and personnel matters. Represent and advise the Board of Tax Appeals (BTA).
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January 1989- March 1991	<i>Assistant to the Attorney General, Administration Division</i> Responsible for attorney and law clerk recruitment and special projects. Represent and advise the BTA.
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Sept. 1986- *Assistant Attorney General, Revenue Division*  
January 1989 Represent DOR in excise tax, property tax, inheritance  
tax, unclaimed property and personnel matters.

#### WASHINGTON STATE SUPREME COURT, Olympia

Sept. 1984- *Law Clerk for Chief Justice William H. Williams and Justice William C. Goodloe*  
Sept. 1986 Assisted in research and preparation of judicial opinions.

#### **PROFESSIONAL AFFILIATIONS AND POSITIONS**

##### WASHINGTON STATE SUPREME COURT

Judicial Information System Committee, Chair, 2008 to present  
Board for Judicial Administration, Public Trust and Confidence Committee, Chair,  
2003 to present  
Board for Judicial Administration, Court Security Committee, Member, 2007 to 2010  
Court liaison to WSBA's Council on Public Legal Education, 2003 to 2009  
Administrative Committee, Member, 2011 to present  
Budget Committee, Member, 2010 to present  
Circulation Committee, Chair, 2005 to present  
Court Rules Committee, Member, 2003 to 2011  
Personnel Committee, Member, 2004 to 2009  
Long Range Planning Committee, Member, 2009 to present  
Court liaison to WSBA's Ethics 2003 Model Rules Committee, 2003 to 2004  
Court liaison to WSBA's Character and Fitness Standards Committee, 2004 to 2006  
Gender and Justice Commission, Member, 2001 to 2004

##### WASHINGTON STATE BAR ASSOCIATION

President, 1997 to 1998  
President-Elect, 1996 to 1997  
1996-1997 Board Committees: Budget and Audit, Improved Relations with the  
Supreme Court (chair), Long Range Planning (chair)  
Board of Governors, Governor, Third Congressional District, 1993 to 1996  
Treasurer, 1995 to 1996  
1995 to 1996 Board Committees: Budget and Audit (chair), Long Range  
Planning (chair), Mandatory Continuing Legal Education Board, Youth and  
Violence  
1994 to 1995 Board Committees: Long Range Planning (chair), Communications  
with Minority and Specialty Bar Associations, Budget and Audit, Preventing

Youth Violence  
1993 to 1994 Board Committees: Communication, Discipline, Governance  
Task Force

Bar Leaders Conference, 1993 to 1998, 2000

Character and Fitness Committee, Member, 1992 to 1993

Committee on Opportunities for Minorities in the Profession, Co-Chair, 1990 to 1992

President's Initiative Task Force, 2000 to 2002

Access to Justice Resource Development Committee, Member, 2001 to 2002

#### WASHINGTON WOMEN LAWYERS

Recipient of Passing the Torch Award, 1998

##### State Board:

President, 1989 to 1990

President-Elect, 1988 to 1989

Legislative Liaison, 1986 to 1988

Various committees including: 1995 Annual Dinner Co-Chair; WWL CLE

Committee member for October 1991 "Employment Essentials: From  
Hiring to Firing"; Gender Bias Committee member for spring 1991

and fall 1992 workshops on gender bias for public and private law  
firms; Panelist on Seattle-King County WWL Panel: "Bar Committees,  
Developing Professional Clout Through Active Participation"

##### Capitol Chapter:

Member working on various committees and panels

#### GOVERNMENTAL LAWYERS BAR ASSOCIATION

#### THURSTON COUNTY BAR ASSOCIATION

#### ATTORNEY GENERAL'S OFFICE AWARDS AND ACTIVITIES

First Annual Lewis County Domestic Violence Summit, October 9, 1999  
Keynote Speaker

Recipient of Attorney General's Steward of Justice Award, 1998

Domestic Violence Summit II, December, 1996, Moderator and Planning Committee  
Member

Youth Violence Summit, Planning Member and Facilitator, 1996

Governor's Domestic Violence Workgroup, Member, 1996 to 1998

National Association of Attorneys General 1996 Corrections Seminar Planning  
Committee, Member, 1995 to 1996

Attorney General's Office Management Team, Member, 1995 to 2002  
Training Committee, Member, 1995 to 1999  
Training Committee, Chair, 1999 to 2002

Attorney General Office's Annual Conference, 1995, Plenary Session: Access to Justice, Moderator and Panelist

Violence Against Women Act State Advisory Committee, Member, 1995

Criminal Justice Training Commission, Special Counsel, 1994 to 1995

Domestic Violence Summit I, June 1995, Planning Committee Member

Sexual Harassment Complaint Investigator, 1994 to 1995

LASER (Lawyers and Students Engaged in Resolution) Project, sponsored by the AGO, WSBA, SPI and the Governor's Office, Committee Member, 1994 to 2002

Fair Labor Standards Act Work Group, Member, 1993 to 1995

Executive Committee on Used Car Sales, Service & Safety, Member, 1991 to 1992

Violent Sex Offender Executive Committee, Member, 1989 to 1990

Crime Victim Conferences, "Sex Offenders in the Community: Prevention and Protection", Organizer and Moderator, 1989

Department of Community Development Work Group, recommending goals, objectives, and job description for the new Office of Crime Victim Advocacy, Member

Washington Association of Child Abuse Council's Annual Conference  
"Empowering Kids in the Courtroom Panel," Coordinator

Annual AGO Conference Committee, Chair, 1988

Personnel CLE, Presenter, 1988

Personnel Litigation Deskbook, Author of "Dealing with Civil Service Employee Problems" section

Personnel Task Force, Member, 1986 to 1993

New Attorney Orientations, Presenter, 1987 to 1991

#### **LAW SCHOOL AWARDS AND EXTRACURRICULAR ACTIVITIES**

Gonzaga University Law School Board of Advisors, Member 2000 to present; President 2007 to present

Gonzaga University Board of Regents, Member, 2007 to present

Gonzaga University School of Law Alumni Association, President, 2007 to present

Received honorary Doctor of Laws Degree from Gonzaga University School of Law, 2006

Delivered 33rd annual William O. Douglas Lecture at Gonzaga University, September 2004

Recipient of Gonzaga University School of Law Myra Bradwell Award, 1999

Recipient of American Jurisdiction Award for Excellence in UCC Article IX; Conflicts,  
Domestic Relations

Recipient of 1984 Legal Argumentation Award

Participant in 1984 Linden Cup Competition - 1st Place Team

Member of 1983 to 1984 National Moot Court Team - quarter finalist at Regional  
Competition

Member of 1983 National Appellate Advocacy Competition  
-1st Place Team at Regional Competition  
-3rd Place Team at National Competition

National Member of the Order of Barristers

Student Advisor of the 1984 National Appellate Advocacy Team

Moot Court Council Member, 2 years

Recipient of the Phi Delta Phi Graduate of the Year Award

### **COMMUNITY ACTIVITIES**

State iCivics Program, Chair, 2010 to present

We the People Board, active participant, 2005 to present

Thurston County Food Bank, Board Member, 2010 to present

Recipient of King County Washington Women Lawyers Betty Fletcher Judge of the  
Year Award, 2009

Recipient of Seattle University's Women's Law Caucus and Washington Women Law  
Foundation Women of the Year Award, 2003

Recipient of Women of Color Empowered, Women as Trailblazers Award, 2004

American Judicature Society, Washington Chapter, Board Member, 2003 to 2006

National Association of Women Judges, Member, 2003 to present

Recipient of LEGALS, P.S., Allies for Justice Award, 1999

Girl Scouts, Pacific Peaks Council, Board Member, 1995 to 1997

Saint Michael's Catholic Church

Co-chair, Capital Building Campaign General Phase, Fall 1992

Member, Social Action Commission, 1991 to 1995

Chair for Social Action Weekend, October, 1995

Lector, 1991 to present

Catechist for 10th graders, 1991 to 1992

Member, Parish Planning Project Committee, 1989 to 1990

U.S. Senator Slade Gorton's Select Committee to Recommend a Replacement  
for U.S. District Court Judge Tanner, Spring 1991

Tacoma Women's Awareness Week, Speech: "Ethics in the Workplaces: Right Choices," October 1991

Thurston County Volunteer Legal Clinic, Volunteer, 1995 to 2002

YMCA Mock Trial Competition, Championship Round Rater, 1996, 1998, Final Round Judge 2007, 2008

YMCA Youth and Government, We Build Young Leaders Campaign, 1993, 1994, 1996, 1997



## BJA Long-Range Planning Committee

In addition to the new chair for this committee, the BJA is being asked to approve the addition of a Past Chair position (see next page for explanation) and to appoint BJA members to Judge Fleck (SCJA) and Judge Nevin's (DMCJA) positions.

### Membership as of May 2011

Position	Member	Term	Ends
Chair			
<b>BJA Member-Chair</b>	<b>Judge Lambo</b>	<b>2 yrs</b>	<b>6/2011</b>
Past Chair		2 yrs	6/2013
Supreme Court Justice	Justice Madsen	1 yr	6/2012
Court of Appeals Judge	Judge Schindler	2 yrs	6/2012
Superior Court Judges			
<b>1 BJA member</b>	<b>Judge Fleck</b>	<b>1 yr</b>	<b>6/2011</b>
1 appointed by SCJA President	Judge Godfrey	2 yrs	6/2012
Courts of Limited Jurisdiction Judges			
<b>1 BJA member</b>	<b>Judge Nevin</b>	<b>1 yr</b>	<b>6/2011</b>
1 appointed by DMCJA President	Judge Phillips	2 yrs	6/2012
BCE member			
Appointed by BCE chair	Judge Hartman	1 yr	6/2012
JISC member			
Appointed by JISC chair	Judge Wynne	2 yrs	6/2012
State Court Administrator	Jeff Hall	N/A	
Staff	Steve Henley Colleen Clark		

**Board for Judicial Administration  
Meeting Minutes**

**January 15, 2010  
Temple of Justice / Olympia, Washington**

**BJA Long-Range Planning Committee—Proposed Membership and Term Limits**

Mr. Hall stated that the BJA is being asked to approve the BJA Long-Range Planning Committee's Proposed Membership and Term Limits.

**It was moved by Judge Phillips and seconded by Judge Dubuisson that the BJA approve the proposed revision to the BJA Long-Range Planning Committee membership and term limits. The motion carried.**

**BJA Long-Range Planning Committee  
Membership and Term Limits  
January 2010**

The LRPC Chair shall be the Member-Chair of the BJA and the membership shall consist of:

- 1 Supreme Court Justice to be appointed by the Chief Justice.
- 1 Court of Appeals Judge to be appointed by the Presiding Judge of the Court of Appeals.
- 2 Superior Court Judges, one to be appointed by the President of the Superior Court Judges Association, and one to be a BJA member.
- 2 Courts of Limited Jurisdiction Judges, one to be appointed by the President of the District and Municipal Court Judges Association, and one to be a BJA member.
- 1 member of the Board for Court Education (BCE) to be appointed by the BCE Chair.
- 1 member of the Judicial Information Systems Committee (JISC) to be appointed by the JISC Chair.
- The State Court Administrator.

**PAST CHAIR POSITION:**

**Per the April 2, 2008 LRP committee meeting:**

The member-chair for the Board is either a superior court judge or a court of limited jurisdiction judge and serves as the chair of the BJA Long-range Planning Committee; this person should continue serving on the committee for an additional two years (representing either the SCJA or DMCJA) to help preserve the historical knowledge of the committee as it moves forward.



## 2011-2013 BJA Member Chair Information

The BJA will be nominating SCJA members for the 2011-13 BJA Member Chair during the May meeting and voting on a new Member Chair during the June meeting. Below is information regarding the 2011-13 BJA Member Chair election.

### BJA Bylaws Regarding the BJA Member Chair

#### ARTICLE III

##### Officers and Representatives

The Chief Justice of the Supreme Court shall chair the Board for Judicial Administration in conjunction with a Member chair. The Member chair shall be elected by the Board and shall serve a two year term. The Member chair position shall be filled alternately between a voting Board member who is a superior court judge and a voting Board member who is either a district or municipal court judge.

#### ARTICLE IV

##### Duties of Officers

The Chief Justice Chair shall preside at all meetings of the Board, performing the duties usually incident to such office, and shall be the official spokesperson for the Board. The Chief Justice chair and the Member chair shall nominate for the Board's approval the chairs of all committees. The Member chair shall perform the duties of the Chief Justice chair in the absence or incapacity of the Chief Justice chair.

### BJA Rule 3 Regarding the BJA Member Chair

#### BJAR 3

##### OPERATION

(a) Leadership. The Board for Judicial Administration shall be chaired by the Chief Justice of the Washington Supreme Court in conjunction with a Member Chair who shall be elected by the Board. The duties of the Chief Justice Chair and the Member Chair shall be clearly articulated in the by-laws. The Member Chair shall serve as chair of the Long-range Planning Committee. Meetings of the Board may be convened by either chair and held at least bimonthly. Any Board member may submit issues for the meeting agenda.

### Past BJA Member Chairs

Term	Member Chair	Association
2001-03	Judge James Riehl	DMCJA
2003-05	Judge Deborah Fleck	SCJA
2005-07	Judge Robert McSeveney	DMCJA
2007-09	Judge Vickie Churchill	SCJA
2009-11	Judge Michael Lambo	DMCJA

### SCJA Voting Members on the BJA

Name/Term End Date	Court	Notes
Judge Rebecca Baker (6/14)	Stevens County Superior Court	She is retiring in October and the May BJA meeting will be her last. The SCJA will appoint a replacement.
Judge Ron Culpepper (6/12)	Pierce County Superior Court	
Judge Deborah Fleck (6/13)	King County Superior Court	She was just reappointed by the SCJA to a two-year term.
Judge Laura Inveen (6/12)	King County Superior Court	SCJA President
Judge Chris Wickham (6/13)	Thurston County Superior Court	



## **Legislative Update**

### **May 17, 2011 report to the BJA**

The Legislature is 22 days into the first thirty-day special session. Technically, all bills from the regular session are revived during a special session, but only specific bills that are necessary to implement the budget will be heard.

Today is the last day for the governor to sign or veto legislation that passed during the regular session. Bills that passed during the regular session are effective on July 22, 2011 unless otherwise specified in the legislation. The following is a report regarding some of the bills of particular interest to the Board for Judicial Administration. If you have any questions about these bills or would like information about any other legislation, please do not hesitate to contact me at [mellani.mcaleenan@courts.wa.gov](mailto:mellani.mcaleenan@courts.wa.gov).

**SHB 1053 - Implementing recommendations from the Washington State Bar Association elder law section's executive committee report of the guardianship task force.** This bill contains substantive policy that is not controversial, but it also contained a fee that was opposed by the BJA, WSBA, and others who asked the Governor for a veto of the fee provision. As requested, the governor did veto the fee provision while leaving the remainder of the bill intact.

**2SHB 1153 - Concerning costs for the collection of DNA samples.** This bill was request legislation from the DMCJA that authorizes the collection of the same fee allowed in superior court. The bill has been signed into law by the Governor.

**HB 1245 - Concerning the privacy of nonconviction records.** This bill would have (A) Restricted dissemination of non-conviction data unless the individual identified in the data has provided express written permission for the information be distributed; (B) Specified that the definition of "non-conviction data" includes conviction records that have been vacated; and (C) Specified that upon request, an individual's record of exonerating disposition must be kept confidential except that the information must be available to court personnel, judicial officers, law enforcement, prosecutors, the individual of record and the individual's attorney. This bill did not pass.

**HB 1276 - Addressing court-ordered legal financial obligations collected by the county clerks.** This bill would have prohibited the Administrative Office of the Courts from making budget reductions to the legal financial obligations funds without approval by the Legislature. This bill did not pass.

**E2SHB 1371 - Addressing boards and commissions.** This bill is alive during the special session. As currently amended, this bill does not move the research and data functions of the Sentencing Guidelines Commission to the AOC as previously drafted. The bill recently moved from Senate Ways & Means. **SB 5891**, currently in Senate Ways & Means, also addresses the SGC but moves the functions to the Department of Corrections.

**SHB 1793 - Restricting access to juvenile records.** As passed the legislature, this bill will require a work group to develop recommendations that would restrict access to juvenile records and allow records to be sealed without an order from the court. It also places additional restrictions on consumer reporting agencies and requires the destruction of records in the event of a full pardon. It was signed by the governor.

**HB 1794 - Adding court-related employees to the assault in the third degree statute.** This bill was BJA request legislation. It passed the legislature unanimously and has been signed by the governor. It makes assault of a judicial officer, court-related employee, or county clerk who was performing his or her duties at the time of the offense an Assault in the third degree.

**HB 2081 - Providing support for judicial branch agencies by extending surcharges on court fees.** This bill extends the filing fee surcharge for two more years. It was amended onto another bill, **SB 5941**, which would have added the state/local government split to the surcharge but made the surcharge permanent. SB 5941, as amended, is on the House floor calendar. It will likely become subject to the budget negotiations between the House and Senate.

**SB 5010 - Concerning public funding for Supreme Court campaigns.** This bill did not pass the legislature but the prime sponsor would like to continue discussions during the interim.

**SB 5019 - Concerning the privacy of nonconviction records.** This bill did not pass the legislature. It would have prevented the dissemination of nonconviction data, among other changes.

**SSB 5056 - Concerning bail and pretrial release practices.** This bill, the result of the Bail Task Force from this summer, did not pass. The Senate budget currently contains funding for the Adult Risk Assessment.

**SB 5170 – Increasing the number of judges to be elected in Grant County.** BJA request legislation, this bill has been signed into law by the governor. Grant County District Court now has authorization for 3 judges rather than 2.

**SB 5558 - Regulating dissemination of juvenile records by consumer reporting agencies.** This bill would have prohibited consumer reporting agencies that collect personally identifiable information pertaining to juvenile records about an individual residing in the state from disseminating information contained within the record, including the existence or nonexistence of the record, to any third party, and would have prohibited the judicial information system from being used to disseminate any juvenile record information for the purposes of disseminating that information to credit reporting agencies or other private entities. The bill did not pass.

**SB 5931, SB 5761 and HB 1841, all addressing the management and consolidation of state information technology in some way,** did not pass during the regular

session, but SB 5931 is alive during the special session. Generally, the bills encourage the legislative and judicial branches to participate but do not require it.

**SB 5630 - Changing the election and appointment provisions for municipal court judges.** BJA request legislation, this bill would have required that all municipal court judges be elected. The bill did not pass.

**SJR 8202 - Authorizing the reduction of certain public officials' salaries.** This resolution would have required a constitutional amendment to allow the Salary Commission to decrease the compensation of elected and appointed state, county, and municipal officials, other than judges, during their term of office. This bill did not pass and probably will not be brought up during the special session.

Board for Judicial Administration  
Bills Tracked  
May 16, 2011

=indicates Dead Bill

Bill	Bill Title	Leg Status Date	Position	Review Date
SHB 1001	Pro se defendant/sex offense S Judiciary	02/23/2011	----- Under Review Watch	01/31/2011 02/07/2011 02/14/2011
HB 1001	Pro se defendant/sex offense H subst for	02/22/2011	----- Under Review Under Review Under Review	01/10/2011 01/12/2011 01/18/2011 01/24/2011
HB 1030	Felons' voting rights H SGTribalAff	01/10/2011	----- No Position ----- Watch	01/18/2011 01/18/2011 01/24/2011 01/25/2011
HB 1034	Inmate public record request H SGTribalAff	01/10/2011	----- Under Review ----- No Position	01/10/2011 01/12/2011 01/18/2011 01/18/2011
SHB 1053	Guardianship task force C 239 L 11 Partial Veto	05/12/2011	Oppose -----	02/14/2011 04/25/2011
ESHB 1087	Operating 2009-11 & 2011-13 H Rules 3C	04/26/2011	-----	04/18/2011
HB 1087	Operating budget 2011-2013 H subst for	04/08/2011	-----	04/04/2011
HB 1115	State officials' salaries H SGTribalAff	01/12/2011	----- Concerns Concerns	01/18/2011 01/18/2011 01/24/2011
HB 1126	Criminal street gangs H Pub Safety	01/12/2011	Oppose	02/15/2011
HB 1153	DNA sample collection costs C 125 L 11	03/01/2011	----- Support	01/18/2011 01/18/2011
HB 1159	Crime victims' rights H Judiciary	01/13/2011	Oppose Oppose	01/18/2011 01/18/2011

HB 1194	Bail for felony offenses H subst for	02/26/2011	----- Under Review	01/18/2011 01/18/2011
HB 1201	Retirement age for judges H Judiciary	01/14/2011	----- Under Review Support	01/18/2011 01/18/2011 01/21/2011
HB 1206	Criminal justice participants C 64 L 11 Partial Veto	03/03/2011	----- No Position	01/18/2011 01/18/2011
HB 1235	Nonconviction records H Pub Safety	01/17/2011	Oppose	01/24/2011
HB 1236	Judges in Grant county S Judiciary	03/01/2011	Sponsor	01/18/2011
HB 1245	Municipal court judges H Judiciary	01/18/2011	Sponsor -----	01/26/2011 02/14/2011
HB 1276	Legal financial obligations H Judiciary	01/18/2011	----- Under Review Oppose Oppose	01/18/2011 01/18/2011 01/26/2011 01/29/2011
SHB 1371	Boards and commissions H subst for	05/02/2011	Oppose	03/28/2011
HB 1664	State supreme court H Judiciary	01/28/2011	----- ----- Under Review Oppose	01/29/2011 01/31/2011 02/07/2011 02/14/2011
SHB 1793	Access to juvenile records C 333 L 11	05/12/2011	No Position Concerns	02/22/2011 03/28/2011
HB 1793	Access to juvenile records H subst for	03/05/2011	No Position	02/07/2011
HB 1794	Assault/court-related employees C 238 L 11	05/03/2011	Sponsor	02/01/2011
HB 1898	Supreme court campaigns H SGTribalAff	02/08/2011	Oppose	02/14/2011
HB 1945	Judges' free speech rights H Judiciary	02/11/2011	Watch	02/14/2011
HB 2029	Sentencing guidelines comm. H SGTribalAff	03/22/2011	Oppose	03/28/2011
HB 2034	Sentencing guidelines comm. H Ways & Means	04/26/2011	Oppose -----	03/28/2011 03/28/2011

			-----	04/04/2011
HB 2081	Court fee surcharges		-----	04/12/2011
	H Ways & Means	04/26/2011	Watch	04/18/2011
HJR 4201	State officials' salaries		-----	01/18/2011
	H SGTribalAff	01/12/2011	Concerns	01/18/2011
			Concerns	01/24/2011
HJR 4203	Retirement age for judges		Under	
	H Judiciary	01/14/2011	Review	01/18/2011
			-----	01/18/2011
			Under	
			Review	01/18/2011
			Support	01/21/2011
HJR 4204	Salary reductions/officials		Concerns	01/18/2011
	H SGTribalAff	01/18/2011	Concerns	01/21/2011
			Concerns	01/24/2011
HJR 4216	State supreme court		-----	01/29/2011
	H Judiciary	01/28/2011	-----	01/31/2011
			Under	
			Review	02/07/2011
			Oppose	02/14/2011
SB 5007	Criminal justice agencies		-----	01/10/2011
	S GovtOp & Elect	01/10/2011	Support	01/12/2011
SB 5010	Supreme court campaigns		-----	01/10/2011
	S GovtOp & Elect	01/10/2011	Oppose	01/12/2011
			Oppose	01/26/2011
SB 5014	Pro se defendants & victims		-----	01/10/2011
	S Judiciary	01/10/2011	Under	
			Review	01/12/2011
SSB 5019	Nonconviction records			
	S Ways & Means	02/21/2011	Oppose	02/22/2011
SB 5019	Nonconviction records		-----	01/10/2011
	S Ways & Means	02/21/2011	Concerns	01/12/2011
			Oppose	01/24/2011
SB 5024	Correctional inmate claims		-----	01/10/2011
	S Rules 2G	03/02/2011	Concerns	01/12/2011
SB 5025	Inmate public record request		-----	01/10/2011
	C 300 L 11	03/02/2011	Under	
			Review	01/12/2011
			-----	01/18/2011
			No Position	01/18/2011
SB 5046			Sponsor	01/12/2011

	Assault/court-related empl. H Pub. Safety	03/03/2011	Sponsor	02/01/2011
SSB 5056	Bail and pretrial release S Ways & Means	02/14/2011	Support	02/14/2011
			Support	02/22/2011
SB 5126	Govt officials' compensation S 2nd Reading	03/07/2011	Concerns	01/24/2011
SB 5147	Retirement age for judges S Judiciary	01/17/2011	-----	01/18/2011
			Under Review	01/18/2011
			Support	01/21/2011
SB 5170	Judges in Grant county C 43 L 11	04/13/2011	Sponsor	01/18/2011
SB 5195	Driving w/ suspended license C 46 L 11	02/09/2011	No Position	01/18/2011
SB 5469	Boards and commissions S GovtOp & Elect	01/26/2011	Oppose	03/28/2011
SB 5533	Legal financial obligations S HumServ/Corr	01/28/2011	Oppose	01/29/2011
SSB 5558	Juvenile records S 2nd Reading	03/04/2011	Oppose	02/22/2011
			-----	02/28/2011
SB 5558	Juvenile records S 2nd Reading	03/04/2011	No Position	02/07/2011
			Refer to Com.	02/01/2011
SB 5597	Terminating parental rights S 2nd Reading	02/25/2011	Oppose	02/22/2011
SB 5630	Municipal court judges S Rules X	03/16/2011	-----	02/14/2011
SB 5668	Public agency attorney dues S Judiciary	02/04/2011	Oppose	02/14/2011
SSB 5740	Predatory guardianships S 2nd Reading	03/03/2011	No Position	02/22/2011
SB 5740	Predatory guardianships S subst for	03/05/2011	Oppose	02/15/2011
SSB 5790	Crime-related boards S Rules 2	04/26/2011	Oppose	03/28/2011
			-----	04/12/2011
SB 5823	Court income S Judiciary	02/17/2011	Sponsor	02/22/2011
SB 5826	Prospective tenants S FI/Hous/Ins	02/17/2011	Under Review	02/22/2011
			-----	02/28/2011

SB 5860	State employee compensation S Ways & Means	04/26/2011	-----	03/14/2011
SB 5928	Traffic infraction penalties S Transportation	04/26/2011	Oppose	04/12/2011
SB 5936	State bar association S Judiciary	04/26/2011	----- Watch	04/13/2011 04/18/2011
SB 5941	Judicial branch funding H 2nd Reading	05/06/2011	Support -----	04/18/2011 04/25/2011
SJR 8200	Retirement of judges S Judiciary	01/14/2011	Support Support	01/18/2011 01/21/2011
SJR 8202	Public officials' salaries S 2nd Reading	03/07/2011	----- Concerns Concerns	01/18/2011 01/18/2011 01/24/2011
SJR 8203	Public officials' salaries S Ways & Means	01/14/2011	----- Concerns Concerns	01/18/2011 01/18/2011 01/24/2011
SJR 8204	Retirement age for judges S Judiciary	01/17/2011	----- Under Review Support	01/18/2011 01/18/2011 01/21/2011
SJR 8209	Salary reductions/officials S Ways & Means	01/21/2011	Concerns Concerns	01/21/2011 01/24/2011